

UNITED STATES DISTRICT COURT

for

Eastern District of Washington

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Nov 06, 2023

SEAN F. MCAVOY, CLERK

U.S.A. vs.

Rivera, Abel

Docket No.

0980 4:23CR06019-SAB-5

Petition for Action on Conditions of Pretrial Release

COMES NOW Elizabeth Lee, PRETRIAL SERVICES OFFICER, presenting an official report upon the conduct of defendant Abel Rivera, who was placed under pretrial release supervision by the Honorable U.S. Magistrate Judge Alexander C. Ekstrom, sitting in the court at Richland, Washington, on the 31st day of August 2023, under the following conditions:

Standard Condition #8: Defendant shall refrain from use or unlawful possession of a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner in conformance with Federal law. Defendant may not use or possess marijuana, regardless of whether Defendant has been authorized medical marijuana.

Special Condition #5: Defendant shall submit to a substance abuse evaluation and undergo any recommended substance abuse treatment as directed by the United States Probation/Pretrial Services Office. Prior to commencing any evaluation or treatment program, Defendant shall provide waivers of confidentiality permitting the United States Probation/Pretrial Services Office and the treatment provider to exchange without qualification, in any form and at any time, any and all information, and evaluation, treatment, and performance in the program. It shall be the responsibility of defense counsel to provide such waivers.

Special Condition #7: Defendant shall submit to random urinalysis and Breathalyzer testing as directed by the United States Probation/Pretrial Services Office. Defendant shall refrain from obstructing or attempting to obstruct or tamper, in any fashion, with the efficiency and accuracy of any prohibited substance testing which is required as a condition of release.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

(If short insert here; if lengthy write on separate sheet and attach.)

On September 1, 2023, the conditions of pretrial release supervision were reviewed with Mr. Rivera, to include standard condition number 8 and special conditions numbers 5 and 7, as noted above. Mr. Rivera was referred to Merit Resource Services (Merit) to complete a substance abuse evaluation, and for random drug testing. Mr. Rivera was instructed to call the color line daily, Monday-Friday, and to report to Merit for drug testing when his assigned color, Brown, was called. He verbalized understanding these instructions.

Violation #1: Abel Rivera is alleged to be in violation of his pretrial release conditions by failing to comply with completing a valid substance abuse evaluation on or about September 5, 2023.

Merit staff reported the defendant reported in person on September 5, 2023, to complete a substance abuse evaluation. Mr. Rivera rescheduled the results appointment about three times, and he was unresponsive to their efforts to make telephonic contact with him before he actually attended this appointment.

On November 1, 2023, Merit staff reported Mr. Rivera denied any drug use at all besides marijuana, denied his criminal history, and he was too defensive to diagnose. Merit staff reported Mr. Rivera was provided with many opportunities to be forthcoming, and he continued to show resistance with the provider.

Violation #2: Abel River is alleged to be in violation of his pretrial release conditions by failing to report for drug testing as required on October 27, 2023.

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On October 27, 2023, Mr. Rivera failed to report to Merit for drug testing as required when his assigned color was called. On October 30, 2023, the undersigned officer made telephonic contact with the defendant and he confirmed he did not complete the required drug test on October 27, 2023, because he forgot to call the color line.

Violation #3: Abel Rivera is considered to be in violation of his pretrial release conditions by having used marijuana on or about October 29, 2023.

On October 30, 2023, the undersigned contacted Mr. River by phone. During this conversation, Mr. Rivera admitted to the undersigned officer to having used marijuana the previous day on October 29, 2023. The undersigned officer questioned the reason why he used marijuana and Mr. Rivera reported, "I am used to getting high on marijuana this is why."

PRAYING THAT THE COURT WILL ORDER A SUMMONS

I declare under the penalty of perjury
that the foregoing is true and correct.

Executed on: November 1, 2023

by s/Elizabeth Lee

Elizabeth Lee
U.S. Pretrial Services Officer

THE COURT ORDERS

- ☐ No Action
- ☒ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☐ The incorporation of the violation(s) contained in this
petition with the other violations pending before the
Court.
- ☐ Defendant to appear before the Judge assigned to the case.
- ☐ Defendant to appear before the Magistrate Judge.
- ☐ Other



Signature of Judicial Officer

November 6, 2023

Date